IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 4080 of 2007(I)

PETITIONER:

M/S. OMAR ICE,
CHANTHIROOR, AROOR, ALAPPUZHA, REP. BY
ITS MANAGER, SRI. P.K.THAHA,
S/O. K.A.KUTTIMOOSA.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:
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1. UNION OF INDIA, REP. BY
SECRETARY TO GOVERNMENT, POWER DEPARTMENT,
SOUTH BLOCK, NEW DELHI.

2. KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VYDYUTHI BHAVAN,
PATTOM PALACE P.O., THIRUVANANTHAPURAM.

3. DEPUTY CHIEF ENGINEER (APTS-HQ),
KERALA STATE ELECTRICITY BOARD VIGILANCE WING,
VYDYUTHI BHAVAN, PATTOM, TRIVANDRUM.

4. ASSISTANT EXECUTIVE ENGINEER,
K.S.E.B., ELECTRICAL SECTION,
AROOR.

5. S.H.O.,
AROOR POLICE STATION, ALAPPUZHA DISTRICT.

BY GOVERNMENT PLEADER SMT. N.SUDHADEVI
ADV. SRI. JOSE J. MATHEAKEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO: 4080/2007 I

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE BILL DT. 13/12/2004.

EXT.P2. COPY OF THE MEMORANDUM OF APPEAL FILED BY THE PETITIONER BEFORE THE R2.

EXT.P3. COPY OF THE ORDER OF THE R2 DT. 08/08/2005.

EXT.P4. COPY OF THE NOTICE ALONG WITH THE COMMUNICATION ISSUED BY THE R3.

EXT.P5. COPY OF THE FIR IN CRIME NO. 404/2004 OF AROOR POLICE STATION.

EXT.P6. COPY OF THE CHARGE FILED AGAINST THE PETITIONER BY THE POLICE.

EXT.P7. COPY OF THE JUDGMENT OF THIS COURT IN WPC NO. 22972/2006 AND CONNECTED CASES DT. 10/11/2006.

[True Copy]

Tga

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO.4080 OF 2007-I

JUDGMENT

The point raised by the petitioner is covered by Ext.P7 judgment. It is ordered that the directions in that judgment will govern the petitioner's case also. The Judicial First Class Magistrate – II, Cherthala shall not proceed with C.C.No.821/2006, which was taken cognizance of, based on Ext.P6 police report. As held in Ext.P7 judgment, if a complaint is filed on behalf of the K.S.E.B against the petitioner, the learned Magistrate shall proceed with the case in accordance with law.

The Writ Petition is disposed of as above.

12th February,2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/